

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Robert G. Taub, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Nanci E. Langley

Francitas Post Office  
Francitas, Texas

Docket No. A2013-4

NOTICE AND ORDER ACCEPTING APPEAL AND  
ESTABLISHING PROCEDURAL SCHEDULE

(Issued March 22, 2013)

Notice is hereby given that, on March 20, 2013, the Commission posted a Petition for Review of the Postal Service's closure of the Francitas post office in Francitas, Texas.<sup>1</sup> The Petition for Review was filed by Carolina Jalufka (Petitioner) and is postmarked March 20, 2013. The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2013-4 to consider Petitioner's appeal. Petitioner may further explain her position with supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than April 22, 2013.

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<sup>1</sup> Petition for Review Received from Carolina Jalufka, March 20, 2013.

*Categories of issues apparently raised.* Petitioner contends that: (1) the Postal Service failed to consider the effect of the closing on the community (see 39 U.S.C. § 404(d)(2)(A)(i)); (2) the Postal Service failed to follow procedures required by law regarding closures (see 39 U.S.C. § 404(d)(5)(B)); and (3) there are factual errors contained in the Final Determination.

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is April 1, 2013. See 39 C.F.R. § 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is April 1, 2013.

*Availability; website posting.* The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. § 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

*Participation by others.* Persons other than Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before April 22, 2013. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. § 3025.41 through 3025.43.

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

*Information request.* The status of the Francitas post office is unclear. In Order No. 1024, the Postal Service's determination to close the Francitas post office was affirmed.<sup>2</sup> However, it does not appear that the Postal Service actually closed the Francitas post office. Francitas was included in POStPlan as a Level 2 office and was described as neither closed nor suspended.<sup>3</sup> Based on a POStPlan Update Report, posted November 26, 2012, on the Postal Service's website, the new hours of operation at the Francitas post office would be 10:00 a.m. to noon, Monday through Saturday, and would commence on January 12, 2013.<sup>4</sup>

The Postal Service's initial filing in this proceeding is due April 1, 2013. As part of that filing, the Postal Service shall provide a chronology of the operating status of the Francitas post office from the date of Order No. 1024 (December 5, 2011) to the date of

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<sup>2</sup> Docket No. A2011-47, Order Affirming Determination, December 5, 2011 (Order No. 1024).

<sup>3</sup> Docket No. N2012-2, Library Reference USPS-LR-N2012-2/11, July 19, 2012.

<sup>4</sup> <http://about.usps.com/news/electronic-press-kits/our-future-network/post-plan/10062012.htm>. The community meeting to discuss the new hours of operation was held October 10, 2012.

this Order. In addition, that filing shall include written responses to the following questions.

1. Did the Postal Service withdraw the Final Determination at issue in Docket No. A2011-47? If so, please provide documentation of the date that the Final Determination was withdrawn.
2. If the answer to question 1 is no, please provide:
  - a. a copy of the complete updated index to the official record for Francitas Docket 1363966-77961 (PRC Docket No. A2011-47).
  - b. a copy of the complete updated log of discontinuance actions in the official record for Francitas Docket 1363966-77961.
  - c. a copy of each document in the complete updated official record for Francitas Docket 1363966-77961 that does not appear in the administrative record filed in Docket No. A2011-47 on August 30, 2011.

*It is ordered:*

1. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than April 1, 2013.
2. Any responsive pleading by the Postal Service to this Notice is due no later than April 1, 2013.
3. Responses to the information requested in this Order are due April 1, 2013.
4. The Procedural Schedule listed below is hereby adopted.

5. Pursuant to 39 U.S.C. § 505, Katrina R. Martinez is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

By the Commission.

Shoshana M. Grove  
Secretary

## PROCEDURAL SCHEDULE

March 20, 2013	Filing of Appeal
April 1, 2013	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
April 1, 2013	Deadline for the Postal Service to file any responsive pleading
April 22, 2013	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41)
May 13, 2013	Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42)
May 28, 2013	Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43)
July 18, 2013	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))